Calendar No. 81

101ST CONGRESS *1st Session* | SENATE | REPORT 101-43

ESTABLISHING A SERIES OF EIGHT REGIONAL PRESIDENTIAL PRIMARIES AND CAUCUSES

JUNE 1 (legislative day, JANUARY 3), 1989.—Ordered to be printed

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Mr. FORD, from the Committee on Rules and Administration, submitted the following

REPORT

[To accompany S. 377]

The Committee on Rules and Administration, having considered S. 377, a bill to establish a series of Presidential primaries at which the public may express its preference for the nomination of an individual for election to the office of President of the United States, reports favorably thereon with an amendment in the nature of a substitute, and recommends that the bill as amended do pass.

BACKGROUND AND PURPOSE

The purpose of this legislation is to provide more order to the process by which Presidential candidates are selected by each party and to assure that no state has inordinate influence in the process. It assigns each state to a region for the purpose of conducting Presidential primaries, stipulates dates for a series of regional primaries and provides for a lottery ninety days before the date of the first primary to determine the order in which the regions will hold their primaries.

S. 377 was introduced on February 8, 1989 by Senator Dixon to establish regional primaries as the system by which Presidential candidates are nominated. The bill was referred to the Committee on Rules and Administration. S. 377, as introduced, is similar to S. 1786 as reported by the committee during the 100th Congress (S. Rept. 100-540).

During its hearing on May 3, 1989, the committee received statements on S. 377 from Senator Dixon and Senator DeConcini in favor of the bill. The committee also incorporated into the record its hearing held June 7, 1988 on regional Presidential primary

S683-9

plans and the statements received for the record in connection with that hearing. The committee reviewed S. 377 in accordance with the views of some Members that the regional primary plan should take into consideration geographical distances involved in the proposed Western regions.

The record of the committee's previous hearing showed that numerous witnesses testified in support of a plan similar to the bill reported herein. S. 1786 was introduced on October 14, 1987 by Senator Dixon. The bill was referred to the Committee on Rules and Administration and a hearing was held on June 7, 1988. Testimony in favor of a bill establishing regional Presidential primaries was received from The Honorable Walter F. Mondale, former Vice President of the United States, who sponsored a similar bill during the 94th Congress; Senator Dixon, the sponsor; Senator Breaux, a co-sponsor of the bill; and Senator Packwood, who had introduced other legislation to establish regional Presidential primaries. Representative Charles Bennett, the sponsor of a similar bill in the House, also testified.

The witnesses generally agreed on the need to provide some organization to the system for nominating Presidential candidates. They noted that under the present system candidates are required to give attention to certain states based solely on the timing of their primary or caucus, and far out of proportion to the number of their voters; conduct tar-mac, media campaigns when many states hold primaries the same date; and travel from one end of the country to the other to cover many states with primaries on the same dates. In short, they observed that the present system is the product of laws and rules made by each of the states and by the parties without regard to their overall impact on the system or the candidates, or on their relationship to each other.

The proposals of the witnesses generally involved some form of regional primary plan similar to the original version of S. 1786 and the amendment to S. 1786 that the committee subsequently reported. Some, like S. 1786, as originally introduced, would extend the regulatory scheme to include changes in voter requirements or qualifications of the states and parties; one would establish a single national primary. The "Duluth Plan" was submitted for the committee's consideration and was unique in that it would establish regions based on population and provide for a primary election schedule in which the first primary would be in a region composed of the least populated states and the final primary, the most highly populated states. All of these plans were given consideration, but in determining to proceed with the amendment to S. 1786, the committee chose to submit a simple plan based on regions having close to equal numbers of delegates and population and made up of contiguous states—a plan that would leave issues of voter qualification and participation to the states and parties.

The committee reported S. 1786 with an amendment in the nature of a substitute and with the understanding that a substitute amendment would be offered on the floor by the Chairman and the

Ranking Member which would take into account the geographical distances involved in the proposed Western regions. The measure was not called up for consideration by the full Senate.

In its deliberations on S. 377, the committee considered the entire record that it developed on the issue of regional Presidential primaries. Members of the committee who expressed concern that the proposed regions did not take into consideration geographic distances reached agreement on a substitute amendment to S. 377 which would establish eight regions rather than the original five regions.

COMMITTEE ACTION

On May 17, 1989, the Committee on Rules and Administration held a markup session on S. 377. The Chairman offered, on behalf of Senators Dixon and DeConcini, an amendment in the nature of a substitute to S. 377 which would establish a series of eight regional Presidential primaries. The substitute amendment would also change the lottery process and the amount of time between the primaries.

The original bill envisioned a series of five regional Presidential primaries beginning on the second Tuesday in March of each Presidential election year; the remaining four regional primaries were to be held on every third Tuesday thereafter. It provided that the order of the primaries would be determined by lotteries conducted 70 days before the date of each regional primary. S. 377 assigned each of the 50 states, the District of Columbia, American Samoa, Guam, Puerto Rico and the Virgin Islands to one of the five regions.

The substitute amendment would redefine the regions to take into consideration the size of states as well as their population. The original five regions would be redefined into eight regions. The first primary would be held the first Tuesday in March of each Presidential election year, and the remaining seven primaries would be held every second Tuesday thereafter. The order of the primaries would be determined by a single lottery conducted 90 days before the first primary date. No region would be allowed to have the first regional primary on two successive Presidential election years.

S. 377, as amended, would only define regions and establish a system for assigning dates, and would, therefore, make a minimal intrusion into state law and party affairs; all determinations pertaining to such matters as eligibility to vote would be left to state law and party rules. It would define "Presidential primary" broadly and require that any expression of a preference for President, including a primary, caucus, or even a "beauty contest" in which no delegates are chosen, must occur on the date set for the region.

After discussion, S. 377, as amended, was passed by a record vote of 9 to 2 and was ordered reported favorably by the committee.

COMMITTEE ROLLCALL VOTE

In compliance with paragraph 7 (b) and (c) of Rule XXVI of the Standing Rules of the Senate, the record of the rollcall vote in the

Committee on Rules and Administration during its consideration of S. 377, to report it favorably, as amended, was:

YEAS (9)	NAYS (2)
Mr. Inouye	Mr. Helms
Mr. DeConcini	Mr. McConnell
Mr. Dodd	
Mr. Adams	
Mr. Stevens	
Mr. Hatfield	
Mr. Garn	
Mr. McClure	
Mr. Ford	

The Chairman presented the proxies of Mr. Moynihan and Mr. Gore in favor of the bill. Mr. Stevens presented a proxy in opposition to the bill for Mr. Dole.

SECTION-BY-SECTION ANALYSIS—COMMITTEE SUBSTITUTE AMENDMENT TO S. 377

Section 1.—This Act may be cited as the Regional Presidential Primaries and Caucuses Act of 1989.

Section 2 sets forth the findings of Congress, with regard to the process of selecting candidates for the offices of President and Vice President, which conclude that the Congress must regulate certain parts of the process.

Section 3(a) provides that no State shall conduct a Presidential primary except in accordance with the provisions of the Act.

Section 3(b)(1) states that eight regional Presidential primaries shall be held during each Presidential election year, the first on the first Tuesday in March and the remaining seven every second Tuesday thereafter.

Section 3(b)(2) provides that, 90 days before the date of the first regional primary, the Federal Election Commission shall determine by lot the order in which such primaries are to be held; however, no region shall be chosen to have the first regional Presidential primary on two successive Presidential election years. A state may hold a Presidential primary only on the date assigned to the region in which it is located.

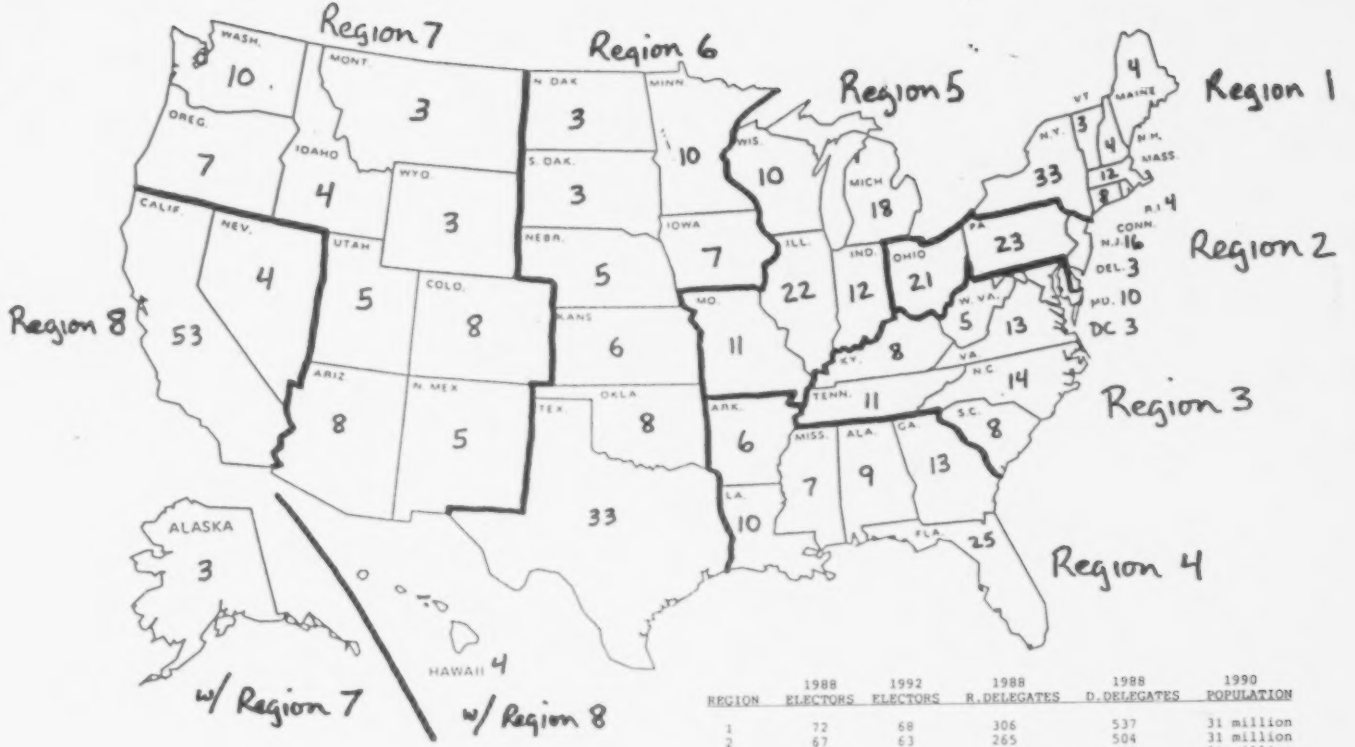
Section 3(c) provides that the Attorney General may bring a civil suit in United States district court for any appropriate relief, including injunctive relief, if he has reason to believe a state is violating the provisions of this section.

Section 4 defines the terms "Commission", "Presidential primary", "region", and "State".

Section 5 authorizes the appropriation of such sums as are necessary to carry out the provisions of the Act.

MAP AND TABLE

Following is a map indicating the eight regions and a table setting out the electors, delegates and population for each region. The map also shows the projected number of 1992 electors for each state.



REGION	1988 ELECTORS	1992 ELECTORS	1988 R.DELEGATES	1988 D.DELEGATES	1990 POPULATION
1	72	68	306	537	31 million
2	67	63	265	504	31 million
3	72	72	307	505	31 million
4	65	70	285	512	32 million
5	78	73	314	594	36 million
6	73	75	308	504	33 million
7	56	56	273	352	20 million
8	55	61	219	390	31 million

Notes:
a) The numbers in each state represent projected 1992 electors.
b) Delegate totals are based on 1988 delegate apportionment.
c) Population totals are those projected by the U.S. Census Bureau.
d) Region 8 includes American Samoa and Guam.
e) Region 4 includes the Virgin Islands and the Commonwealth of Puerto

COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 19, 1989.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 377, the Regional Presidential Primaries and Caucuses Act of 1989, as ordered reported by the Senate Committee on Rules and Administration, May 17, 1989. Enactment of this bill would not affect the federal budget, although it would increase the costs of holding elections for certain state and local governments.

S. 377 would establish a system of regional presidential primaries that would require all states to hold a Presidential primary on one of eight days during March, April, May, and June of presidential election years. States that currently hold elections for other federal and state offices on the same day as the Presidential primary would likely have to hold those elections on a separate day. Under the lottery system specified by S. 377, a state would not find out when its Presidential primary would be held until 90 days before the election date, thus forcing the state to schedule other elections on a separate day to allow for necessary planning. Because some states would have to hold two elections instead of one, states' costs of running elections would increase.

CBO is unable to predict which states would add a second election day and to estimate precisely their additional costs. However, based on states' scheduling of primaries during 1988, we expect that about 15 states would be affected and their additional costs would probably amount to between $25 million and $30 million in each Presidential election year.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is James Hearn, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER, *Director.*

REGULATORY IMPACT

In accordance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the committee does not consider that enactment of S. 377, as amended, would have any regulatory impact.

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